

LFC Requester:**Clint Elkins**

**AGENCY BILL ANALYSIS
2016 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

SECTION I: GENERAL INFORMATION

Check all that apply:

Original X **Amendment**
Correction **Substitute**

Date 1/18/2016

Bill No: HB 145

Sponsor: Conrad James

Agency Code: 305

Short Adjunct Secondary Instructors

Person Writing Dylan Lange

Title: Act

Phone: 827-7479

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Companion to or Duplicate to SB 114 (CREATING THE ADJUNCT SECONDARY INSTRUCTORS ACT)

SECTION III: NARRATIVE

BILL SUMMARY

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

Synopsis:

House Bill 145 (HB 145) adds a new section to the Public School Code.

Section 2 provides new definitions.

Section 3 allows adjunct secondary instructors, who are properly licensed, to contract with a school district to enter into one year contracts to provide educational services. The new threshold requirements are outlined in this Section. The licensees can only instruct in 7-12 grades and their services shall not exceed one-half of a full-time teacher's workload.

Section 4 defines the new licensure requirements for Adjunct Secondary Licensure.

Section 5 subjects adjunct secondary instructors to mandatory fingerprint-based background checks and exempts them for the School Personnel Act.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

Section 4(E) would make an applicant meet any other requirement established by rule by the department. At this point there is no further clarity on what other requirements would be deemed necessary.

The School Personnel Act does not apply to adjunct secondary instructors. Therefore, there is no district adopted code of conduct a new licensee must follow. Parents would be aware of this.

There is also no clarity given as to how long such licensure would be valid. Most entry level licenses given by PED, a Level A, are a one-time 5-year license. A licensee would need to meet further bench marks to advance their licensure. The act is silent on how long such a licensure would be valid.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 114 (CREATING THE ADJUNCT SECONDARY INSTRUCTORS ACT) duplicates HB 145.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

The Adjunct Secondary Teacher can be terminated without cause and is not eligible for any state provided benefits.

Who would enforce the provisions against a school district that does not follow the licensure provisions? For instance, a charter school who employs more than 50% of their staff with adjunct secondary instructor licensees?

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo, as districts would not be able to fill teacher vacancies quickly.

AMENDMENTS